

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CNH AMERICA LLC and BLUE LEAF)
I.P., INC.,)
Plaintiffs,)
)
v.) C. A. No. 08-945 (GMS)
)
KINZE MANUFACTURING, INC.)
Defendant.)
)

VOIR DIRE

1. Good morning, ladies and gentlemen, I am about to ask you a series of questions that we call voir dire. The purpose of the voir dire examination is:
 - (a) to enable the court to determine whether any prospective juror should be excused for cause; and
 - (b) to enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges — that is, challenges for which counsel need not give a reason.
2. If any of you answer “yes” to any of these questions, I would ask that you to stand up and, upon being recognized by me, to state your number. At the end of the questions, I will ask those who have responded “yes” to any of the questions to come to sidebar (that is, up to the bench next to me) with counsel for the parties to discuss your answers.

STAFF INTRODUCED

PANEL SWORN

3. This case is expected to take seven days to try. The schedule that I expect to maintain over those seven days will be as follows:

We will normally begin the day at 9:00 a.m. promptly. We will go until 1:00 p.m. and, after a one hour break for lunch, from 2:00 p.m. to 4:30 p.m. There will be a fifteen minute break at 11:00 a.m. and another fifteen minute break at 3:15 p.m. One exception to this schedule may occur when the case is submitted to those of you who are selected to serve as jurors for your deliberation. On that day, the proceedings might last beyond 4:30 p.m. We will post a copy of this schedule for the jury's convenience in the jury deliberation room.

Does the length of this trial or the schedule contemplated by the court present a special problem to any member of the panel?

4. Description of The Case

This case is an action for patent infringement arising under the patent laws of the United States. The plaintiffs in this case are CNH America LLC and Blue Leaf I.P., Inc. (or simply "Case IH"). Plaintiffs sell farm machinery and construction equipment under Case and New Holland brand names. The defendant in this case is Kinze Manufacturing, Inc. (or simply "Kinze"). Kinze also sells farm equipment.

For those of you selected to serve as jurors, I will give you more detailed instructions regarding the meaning of the word infringement once you are sworn-in as jurors and again at the conclusion of the trial. For now, I will simply tell you that Case IH accuses Kinze of infringing two Case IH patents by making, using, selling or offering for sale certain agricultural equipment machinery for planting row crops like corn and soybeans, and seeks damages for that infringement. Kinze denies that it infringes either patent and further asserts that the patents are invalid under U.S. patent laws.

Has any member of the panel heard or read anything about this case?

COUNSEL ASKED TO INTRODUCE THEMSELVES AND THEIR FIRMS

5. Does any member of the panel, or your immediate family (spouse, child, parent or sibling) know any of the attorneys involved in the case or have you or any of your immediate family had any business dealings with or been employed by any of these attorneys or their respective law firms?
6. Have you or any member of your immediate family ever been employed by Case Corporation, New Holland North America, CNH America LLC or Blue Leaf I.P., Inc.?

7. Have you or any member of your immediate family ever been employed by Kinze Manufacturing, Inc.?
8. Have you or any member of your immediate family ever owned stock in any of these companies?
9. Have you or any member of your immediate family ever had a business relationship of any kind with any of these companies?
10. Have you or to the best of your knowledge any member of your immediate family had any experiences with any of these companies that might keep you from being a fair and impartial juror?
11. Do you possess any opinions about any of these companies that might keep you from being a fair and impartial juror?

COUNSEL IDENTIFY ALL POTENTIAL WITNESSES

12. Does any member of the panel know or is any member of the panel familiar with any of the prospective witnesses?
13. Have you or any member of your immediate family ever been employed by a farm equipment manufacturer?
14. Have you or any member of your immediate family ever owned or used farm machinery?
15. To the best of your knowledge, have you or any member of your family had any negative or positive experience with farm machinery?
16. Plaintiffs manufacture and sell construction and agricultural equipment under the Case, New Holland and Case IH brand names. Have you or any member of your immediate family ever owned or used construction or agricultural equipment having these brand names?
17. Kinze manufactures and sells agricultural equipment under the Kinze brand name. Have you or any member of your immediate family ever owned or used agricultural equipment manufactured by Kinze?
18. Have you or any member of your immediate family ever had education or experience in farming?
19. Patent applications are examined and patents are issued by the United States Patent and Trademark Office, which is an agency of the United States Department of Commerce. Have you or any member of your immediate

family ever been employed by the United States Patent and Trademark Office or the United States Department of Commerce?

20. Do you hold any opinions about the U.S. Patent and Trademark Office or the U.S. Department of Commerce, or civilian personnel employed by departments or agencies of the United States government, that might keep you from being a fair and impartial juror?
21. Have you or anyone in your immediate family ever applied for or obtained a patent in the U.S. or abroad?
22. Have you or someone close to you had any dealings with the PTO?
23. Do you have any opinions about the relationship between patents and the public interest or any disagreement with the patent system or patent laws that might keep you from being a fair and impartial juror?
24. Have you ever served as a juror in a criminal or a civil case or as a member of a grand jury in either a federal or state court?
25. Have you or has anyone in your immediate family ever participated in a lawsuit as a party or in any other capacity (such as a plaintiff, defendant, or witness)?
26. If you are selected to sit on this case, will you be able to render a verdict solely on the evidence presented at the trial and in the context of the law as I will give it to you in my instructions, disregarding any other ideas, notions or beliefs about the law you may have or that you may have encountered in reaching your verdict?
27. Is there any member of the panel who has any special disability or problem that would make serving as a member of the jury difficult or impossible?
28. Having heard the questions put to you by the court, does any other reason suggest itself to you as to why you could not sit on this jury and render a fair verdict based on the evidence presented to you and in the context of the Court's instructions to you on the law?